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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL LOPEZ, AND
ROCHLEM ERIC AQUINO YADAO

Defendants.

CASE NO. 1:20-CR-00241-NODJ-BAM

STIPULATION TO CONTINUE; ORDER

DATE: August 14, 2024
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. A status conference was previously set for this matter for August 14, 2024.
2. By this stipulation, the government and defendants now move to continue the status until August 28, 2024, and to exclude time between August 14, 2024, and August 28, 2024, under Local Code T4.
3. The parties continue to discuss whether a resolution in this matter is forthcoming, and if not, when a trial date can be scheduled. The parties request additional time in order to indicate to the Court whether change of pleas or a trial date should be scheduled.
4. By this stipulation, the parties now move to continue the status until August 28, 2024,

1 and to exclude time between August 14, 2024, and August 28, 2024, under 18 U.S.C. § 3161(h)(7)(A),
2 B(iv) [Local Code T4].

3 5. The parties agree and stipulate, and request that the Court find the following:

4 a) The government has represented that the discovery associated with this case
5 includes reports, photographs, and audio files. All of this discovery has been either produced
6 directly to counsel and/or made available for inspection and copying. Additionally, a plea
7 agreement has been provided to defendants.

8 b) Counsel for defendant desires additional time to further review discovery, discuss
9 potential resolution with her client and the government, and investigate and prepare for trial.

10 c) The parties have been working on potential resolutions and continue to do so.

11 d) Counsel for defendant believes that failure to grant the above-requested
12 continuance would deny him/her the reasonable time necessary for effective preparation, taking
13 into account the exercise of due diligence.

14 e) The government does not object to the continuance.

15 f) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of August 14, 2024 to August 28,
20 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
21 T4] because it results from a continuance granted by the Court at the parties' request on the basis
22 of the Court's finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendants in a speedy trial.

24 h) The parties also agree that this continuance is necessary for several reasons,
25 including but not limited to, the need to permit time for the parties to exchange supplemental
26 discovery, engage in plea negotiations, and for the defense to continue its investigation and
27 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

28 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the

Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 8, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: August 8, 2024

/s/ JAMES R. HOMOLA
JAMES R. HOMOLA
Counsel for Defendant
ANGEL LOPEZ

Dated: August 8, 2024

/s/ MELISSA BALOIAN
MELISSA BALOIAN
Counsel for Defendant
ROCHLEM ERIC AQUINO
YADAO

ORDER

IT IS SO ORDERED that the status conference is continued from August 14, 2024, to **August 28, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: August 8, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE